

EXHIBIT 22

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22 *Company of America, Inc.*

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Master File No. 3:07-cv-05944-SC
MDL No. 1917

This Document Relates to:

Sharp Electronics Corp, et al. v. Hitachi Ltd, et al.

**RESPONSE TO TIANJIN
SAMSUNG SDI CO., LTD'S FIRST
SET OF INTERROGATORIES TO
PLAINTIFFS SHARP
ELECTRONICS CORPORATION
AND SHARP ELECTRONICS
MANUFACTURING COMPANY OF
AMERICA, INC.**

PROPOUNDING PARTY: Defendant Tianjin Samsung SDI Co., Ltd.

RESPONDING PARTIES: Sharp Electronics Corporation and Sharp Electronics
Manufacturing Company of America, Inc.

SET NO: One

1 *Beltz Travel Service, Inc. v. Int'l Air Trans. Assoc.*, 620 F.2d 1360-1366-67 (9th Cir. 1980) (citing
 2 *United States v. Patten*, 226 U.S. 525, 544 (1913)). All conspirators are jointly liable for the acts
 3 of their co-conspirators and the action of any of the conspirators in furtherance of the conspiracy
 4 is, in law, the action of all. *Id.* Sharp further objects to the extent this Interrogatory calls for
 5 expert testimony. Sharp also objects to the extent that this Interrogatory calls for information
 6 that is covered by attorney-client privilege or the work product protection. Sharp further states
 7 that it has not completed its discovery and preparation in this matter and that its investigation of
 8 the case is ongoing, and Sharp reserves its right to supplement or amend its response to this
 9 Interrogatory consistent with Federal Rule of Civil Procedure 26(e).
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11 Subject to and without waiving the foregoing objections, Sharp refers to its response to
 12 Interrogatory No. 1.
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14 **Interrogatory No. 3:**

15 Separately for each meeting or competitor communication that You Identified in response
 16 to Interrogatory Nos. 1 and 2, Identify All evidence upon which You intend to rely to prove that
 17 such a meeting or competitor communication resulted in an agreement to fix "target prices, floor
 18 prices and prices ranges" for CRTs, as alleged in paragraph 253(b) of the Complaint, including:

- 19 a) All Persons with knowledge suggesting that an agreement to fix target prices,
 20 floor prices and prices ranges for CRTs was reached;
- 21 b) The date of each alleged meeting or competitor communication which You
 22 contend resulted in an agreement to fix target prices, floor prices and prices ranges for CRTs;
- 23 c) The location of each alleged meeting, if applicable;
- 24 d) The entities that You contend agreed to the target price, floor price or price range;
- 25 e) The names of the individuals that You contend participated in each meeting or
 26 competitor communication;
- 27 f) The date of the alleged agreement;
- 28 g) The type (i.e., CDT or CPT) and model (flat, curved, ITC, bare) of CRT to which
 You contend the target price, floor price or price range applied;
- h) The effective date(s) of the alleged target price, floor price or price range;
- i) The customer(s) to whom the alleged target price, floor price or price range
 applied;

1 j) The geographic area to which the alleged target price, floor price or price range
applied; and

2 k) All evidence upon which You intend to rely to prove such target price, floor price
3 or price range (including the Bates number of each Document and/or citation to specific
deposition testimony that You claim supports Your contention).

4 **Response to Interrogatory No. 3:**

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6 Sharp refers to and incorporates its General Objections as if set forth fully herein. Sharp
7 also objects to this Interrogatory to the extent that it calls for information that is already in the
8 possession, custody, or control of Defendants, or that can equally or more readily, conveniently,
9 and in a less burdensome fashion be obtained by Defendants. Sharp further objects to this
10 Interrogatory on the grounds that it is premature, and that it seeks to impose an undue burden on
11 Sharp to state its entire case on an incomplete record and review and analyze all information
12 obtained in discovery thus far at this stage of this litigation. Sharp further objects to this
13 Interrogatory on the grounds that it calls for legal argument or legal conclusions. Sharp objects
14 that this Interrogatory improperly requires Sharp to marshal all evidence in support of its case in
15 response to written discovery, but particularly while discovery is ongoing and in advance of the
16 applicable deadlines set by the Court for disclosure of pretrial information. Moreover, the
17 documentary record is necessarily incomplete because Defendants and co-conspirators concealed
18 the conspiracy by various means and methods, including concealing the existence and nature of
19 their conspiratorial activities and issuing regular instructions to destroy documents relating to the
20 conspiratorial activities. Sharp further objects to the Interrogatory on the grounds that it is vague,
21 ambiguous, overly broad, unduly burdensome, and oppressive, and on the grounds that it is
22 cumulative and duplicative of other discovery propounded in this case. Sharp also objects to this
23 Interrogatory on the grounds that it seeks, in contravention to well-established legal principles, to
24 dismember the overall conspiracy to focus on its separate parts, instead of looking at it as a
25 whole. *See Continental Ore Co. v. Union Carbide & Carbon Corp.*, 370 U.S. 690, 699 (1962);
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1 *Beltz Travel Service, Inc. v. Int'l Air Trans. Assoc.*, 620 F.2d 1360-1366-67 (9th Cir. 1980) (citing
 2 *United States v. Patten*, 226 U.S. 525, 544 (1913)). All conspirators are jointly liable for the acts
 3 of their co-conspirators and the action of any of the conspirators in furtherance of the conspiracy
 4 is, in law, the action of all. *Id.* Moreover, Sharp contends that information exchanges between
 5 Defendants and co-conspirators affected prices and thus constitute an antitrust violation under
 6 the rule of reason, even in the absence of an express agreement to fix prices. Sharp further
 7 objects to the extent this Interrogatory calls for expert testimony. Sharp also objects to the extent
 8 that this Interrogatory calls for information that is covered by attorney-client privilege or the
 9 work product protection. Sharp further states that it has not completed its discovery and
 10 preparation in this matter and that its investigation of the case is ongoing, and Sharp reserves its
 11 right to supplement or amend its response to this Interrogatory consistent with Federal Rule of
 12 Civil Procedure 26(e).

14 Subject to and without waiving the foregoing objections, Sharp refers to its response to
 15 Interrogatory No. 1.

17 **Interrogatory No. 4:**

18 Separately for each meeting or competitor communication that You Identified in response
 19 to Interrogatory Nos. 1 and 2, Identify all Evidence upon which You intend to rely to prove that
 20 such a meeting or competitor communication resulted in an agreement to maintain or lower
 production capacity for CRTs, as alleged in paragraph 253(g) of the Complaint, including:

- 21 a) All persons with knowledge suggesting that an agreement to maintain or lower
production capacity for CRTs was reached;
- 22 b) The date of each alleged meeting or competitor communication which You
23 contend resulted in an agreement to maintain or lower production capacity for CRTs;
- 24 c) The location of each alleged meeting, if applicable;
- 25 d) The entities who You contend agreed to maintain or lower production capacity for
CRTs;
- 26 e) The names of the individuals that You contend participated in each meeting or
27 competitor communication;
- 28 f) The date of the alleged agreement;